

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF MISSISSIPPI  
NORTHERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff

v.

THIRD COAST TOWING, LLC,  
GREAT AMERICAN INSURANCE  
AND NATURE’S WAY MARINE, LLC

Defendants

AND

NATURE’S WAY MARINE, LLC AND  
ENVIRONMENTAL POLLUTION GROUP, LLC

Counter-Plaintiffs

v.

UNITED STATES OF AMERICA,  
UNITED STATES COAST GUARD,  
NATIONAL POLLUTION FUNDS CENTER  
AND OIL SPILL LIABILITY TRUST FUND

Counter-Defendants

AND

GREAT AMERICAN INSURANCE COMPANY

Cross-Claimant

v.

THIRD COAST TOWING, LLC

Cross-Defendant

AND

GREAT AMERICAN INSURANCE COMPANY

Third Party Plaintiff

v.

AMERICAN STEAMSHIP OWNERS MUTUAL  
PROTECTION & INDEMNITY ASSOCIATION, INC.  
(THE AMERICAN CLUB)

Third Party Defendant

**Case No. 3:16 cv 34 CWR-FKB**

**PLAINTIFF UNITED STATES’ OPPOSITION TO NATURE’S WAY MARINE, LLC  
AND ENVIRONMENTAL POLLUTION GROUP, LLC’S MOTION TO TRANSFER**

Now comes the United States of America on behalf of the United States Coast Guard, (“United States”) to oppose Nature’s Way Marine, LLC and Environmental Pollution Group, LLC’s Motion to Transfer filed on September 2, 2016, (“Motion to Transfer”) [Document No. 39].

1. On September 2, 2016, Nature’s Way Marine L.L.C. (“Nature’s Way”) and Environmental Pollution Group, L.L.C., (“EPG”), (collectively “Movants”), filed a Motion to Transfer this action to the United States District Court for the Eastern District of Louisiana. [Doc. No. 39]
2. The United States opposes the Motion to Transfer on the grounds that the first-filed rule does not apply in this case because no substantial overlap exists between United States’ environmental action filed in this court, and Nature’s Way’s insurance actions pending in the Eastern District of Louisiana.
3. This Opposition is further supported by the Memorandum in Support of Plaintiff’s United States’ Opposition to Nature’s Way Marine, LLC and Environmental Pollution Group, LLC’s Motion to Transfer submitted herewith.

WHEREFORE, the United States asks that this Honorable Court deny the Motion to Transfer.

Respectfully submitted,

/s/ Elise S. Feldman  
ELISE S. FELDMAN  
Senior Counsel  
United States Department of Justice  
Environment and Natural Resources Division

Environmental Enforcement Section  
301 Howard Street, Suite 1050  
San Francisco, CA 94105  
Tel: (415) 744-6470  
Fax: (415) 744-6476  
Email: Elise.Feldman@usdoj.gov

STEPHEN FLYNN  
JESSICA SULLIVAN  
Aviation & Admiralty Litigation  
Torts Branch, Civil Division  
P.O. Box 14271  
Washington, DC 20044-2471  
Tel: (202) 616-4070  
Fax: (202) 616-4002  
Email: Stephen.Flynn@usdoj.gov

ELLEN M. MAHAN  
Deputy Section Chief  
Environmental Enforcement Section  
Environment and Natural Resources Division  
United States Department of Justice

*Attorneys for Plaintiff*  
UNITED STATES OF AMERICA

Of Counsel:  
LCDR Nicholas J. Tabori  
National Pollution Funds Center  
U.S. Coast Guard Stop 7605  
2703 Martin Luther King Jr. Ave.  
Washington, DC 20593-6064

LT SEAN R. GAJEWSKI  
Office of Claims and Litigation  
Coast Guard Headquarters  
2703 Martin Luther King Jr. Ave. SE  
Washington, DC 20593-7213

LT Gretal G. Kinney, UCSG  
Senior Staff Attorney  
Eight Coast Guard District  
Hale Boggs Federal Building  
500 Poydras Street  
New Orleans, LA 70130

**CERTIFICATE OF SERVICE**

I hereby certify that I have this day served a true and correct copy of the following pleadings upon counsel of record by filing in this Court's CM/ECF system:

- (1) PLAINTIFF UNITED STATES' OPPOSITION TO NATURE'S WAY MARINE, LLC AND ENVIRONMENTAL POLLUTION GROUP, LLC'S MOTION TO TRANSFER
- (2) MEMORANDUM IN SUPPORT OF PLAINTIFF UNITED STATES' OPPOSITION TO NATURE'S WAY MARINE, LLC AND ENVIRONMENTAL POLLUTION GROUP, LLC'S MOTION TO TRANSFER

This 16th day of September, 2016.

/s/ Elise S. Feldman